

## **CHAPTER 36-22**

### **ESTRAY INSPECTION**

**36-22-01. Estray defined.** Any marked or branded cattle, horse, or mule found at any livestock market, to which a shipper cannot produce title or satisfactory evidence of ownership, is considered to be an estray.

**36-22-02. North Dakota stockmen's association authority.** The North Dakota stockmen's association, a livestock association duly organized under the laws of the state of North Dakota, and duly registered as a market agency under the Act of Congress commonly known as the Packers and Stockyards Act, 1921 [Pub. L. 67-51; 42 Stat. 159; 7 U.S.C. 181 et seq.], for the better protection of the livestock industry of the state of North Dakota and for the purpose of securing uniformity of inspection and cooperation with the department of agriculture of the United States, shall make an inspection to determine ownership, of all cattle shipped or consigned from this state to any public livestock markets, including auction markets, buying stations, or packing plants within or without the state of North Dakota.

**36-22-03. Rules - Fees for inspection.** The state board of animal health, with the advice of the officers of the North Dakota stockmen's association, shall adopt rules regulating the inspection of cattle for brands at auction markets, packing plants, and buying stations and shall set the fees to be charged by the brand inspector. Brand inspectors under this chapter shall charge and collect fees for inspections on all shipments or consignments of cattle at livestock markets, at the rate authorized by the United States department of agriculture, and shall charge and collect fees for inspection at auction markets, buying stations, and packing plants as must be set by the state board of animal health. The fees collected must be remitted to the state treasurer for deposit in the North Dakota stockmen's association fund.

**36-22-04. Collection of estray funds.** A brand inspector may receive and receipt for all funds from the sale of estray cattle and shall remit the funds to the state treasurer for deposit in the North Dakota stockmen's association fund.

**36-22-05. Estray fund.** Repealed by S.L. 1999, ch. 318, § 8.

**36-22-06. Payment to owners of estrays.** The secretary of the North Dakota stockmen's association, upon satisfactory proof of ownership of any estray for which the association has received the money, shall, with the approval of the board of directors of the association, pay the owner of the estray the amount received from the sale of the estray; provided, that the ownership of the estray must be proven within one year after the publication of the notice provided for in section 36-22-07. Any interest earned on the money reverts to the North Dakota stockmen's association fund.

**36-22-07. Publication of list of estrays.** The secretary of the North Dakota stockmen's association shall annually during the month of December send two lists of all unclaimed estrays, for which the association has received payment, to the county auditor of each county from which the estrays were originally shipped. Said county auditor shall post one copy thereof in a conspicuous place in the courthouse and place one copy on file in the county auditor's office. It is also the duty of the association to cause a notice that such estray lists have been posted, to be advertised during the month of December of each year in the county from which the estrays were originally shipped, said notice to appear at least twice in the official newspaper of said county.

**36-22-08. Disposition of unclaimed receipts from sale of estrays.** The North Dakota stockmen's association shall preserve all records relative to estrays for a period of six years subsequent to the time the money is deposited by the state treasurer in the North Dakota stockmen's association fund. This section does not bar the lawful owner of any estray from maintaining an action against the association for the recovery of any sum to which the owner may be entitled if the action is commenced within six years after the sum is deposited.

**36-22-08.1. North Dakota stockmen's association fund - Continuing appropriation.**

The North Dakota stockmen's association fund is a special fund in the state treasury. The state treasurer shall deposit in the North Dakota stockmen's association fund all brand fees and estray funds received by the North Dakota stockmen's association in return for its performance of statutory duties and services and remitted to the state treasurer. All moneys in the North Dakota stockmen's association fund, together with all interest income earned by moneys in the fund, are appropriated on a continuing basis to the North Dakota stockmen's association to be used for the purpose of carrying out duties statutorily assigned to the association.

**36-22-09. Audit of stockmen's association.** It is the duty of the board of directors of the North Dakota stockmen's association to provide for an audit at least once every two years by a certified public accountant or licensed public accountant. Two copies of each audit report must be submitted to the legislative council.